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DISTRICT OF UTAH

BY: _____
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MAY 15 2003
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

OVERSTOCK.COM, INC., a Delaware
corporation

Plaintiff/Counterclaim Defendant,

vs.

NCR CORPORATION, a Maryland
corporation,

Defendant/Counterclaimant.

Case No. 2:03-CV-0123 PGC

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**


Judge Paul G. Cassell

Based upon the Stipulation of Dismissal Without Prejudice entered into by and between Plaintiff/Counterclaim Defendant Overstock.com, Inc. ("Overstock") and Defendant/Counterclaimant NCR Corporation ("NCR") in the above-captioned action, and for good cause shown,

It is hereby ORDERED, ADJUDGED AND DECREED that the above-captioned action, including all complaint, claims, counterclaims, and causes of action, is hereby dismissed without prejudice, with each of the parties to bear its own respective costs and attorneys' fees.

DATED this 19th day of May, 2003.

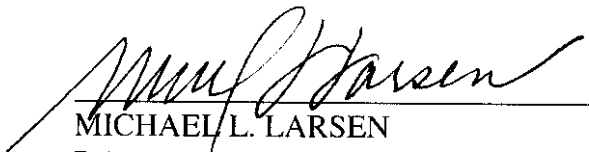
BY THE COURT:



The Honorable Paul G. Cassell


APPROVED AS TO FORM:

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CERTIFICATE OF SERVICE

I certify that on this 13th day of May 2003, one true and correct copy of the above
ORDER OF DISMISSAL WITHOUT PREJUDICE was served on all counsel of record, as
indicated below:

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tsh

United States District Court
for the
District of Utah
May 21, 2003

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00123

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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